

DEPT/PA



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 10/578,171  
Applicant : Ulrike W. Klueh et al  
Filing Date : May 4, 2006  
Title : Artificial Tissue Systems and Uses Thereof  
TC/A.U. : 1633  
Examiner : Fereydoun Ghotb Sajjadi  
Docket No. : MTT/101/PC/US  
Customer No. : 002543

Commissioner for Patents  
United States Patent and  
Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

**REQUEST FOR REFUND OF OVERCHARGING  
OF SMALL ENTITY FEE**

Applicant requests refund of the overcharging of the small entity fee in the amount of \$405.00 which was withdrawn by the U.S. Patent and Trademark Office indicated by the Monthly Statement of Deposit Account dated December 31, 2009. A copy of the Statement is enclosed.

Attorney's Ref: MTT/101/PC/US

- 1 -

I hereby certify that this correspondence is being deposited on the date below with the United States Postal Service as first class mail in an envelope addressed to "Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450."

Signature:

*Diane F. Covello*

Diane F. Covello

Reg. No.: 34,164

Date: March 5, 2010

Application No. 10/578,171  
Request Dated: March 5, 2010

On December 9, 2009, a Request for Continued Examination was filed, copy of the transmittal and postcard enclosed, requesting that the fee (of \$405.00 indicated on the return-receipt postcard) be withdrawn from Deposit Account No. 16-2563. We also enclose a copy of the Transmittal Letter which accompanied the filing of the patent application as well as a copy of the Notice of Acceptance of Application acknowledging receipt of Indication of Small Entity Status.

Accordingly, Applicant requests that the \$405.00 small entity fee be credited to Deposit Account 16-2563 of Alix, Yale & Ristas, LLP.

Respectfully submitted,

ULRIKE W. KLUEH et al

By: *Diane F. Covello*

Diane F. Covello  
Registration No. 34,164  
Alix, Yale & Ristas, LLP  
Attorney for Applicant

Date: March 5, 2010  
750 Main Street, Suite 1400  
Hartford, CT 06103-2721  
(860) 527-9211  
Our Ref: MTT/101/PC/US

DFC:kcs

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UNITED STATES PATENT AND TRADEMARK OFFICE

United States Patent and Trademark Office  
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MONTHLY STATEMENT OF DEPOSIT ACCOUNT

To replenish your deposit account, detach and return top portion  
with your check. Make checks payable to "Director of the USPTO."

ALIX, YALE & RISTAS, LLP.  
SHIRLEY ZELMAN  
750 MAIN STREET  
HARTFORD CT 06103-2721

FINA

Account No.
162563
Date
12-31-09
Page
1

PLEASE SEND REMITTANCES TO:  
U.S. Patent and Trademark Office  
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Call the Deposit Account Branch at 571-272-6500 for assistance.

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.						

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| 12 | 14 | 09 | | 166 | | 10578171 | | MTT/101/PC/US | 1801 | | 810.00 | | 12628.10 | |

AN AMOUNT SUFFICIENT TO  
COVER ALL SERVICES REQUESTED  
MUST ALWAYS BE ON DEPOSIT

OPENING BALANCE

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

# Request for Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	10/578,171
Filing Date	May 4, 2006
First Named Inventor	Ulrike W. Klueh
Art Unit	1633
Examiner Name	Fereydoun Ghotb Sajjadi
Attorney Docket Number	MTT/101/PC/US

## This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 16-2563.

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other \_\_\_\_\_

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Diane F. Covello</i>	Date	December 9, 2009
Name (Print/Type)	Diane F. Covello	Registration No.	34,164

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	<i>Evelyn Gartrell</i>	Date	December 9, 2009
Name (Print/Type)	Evelyn Gartrell		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Pat. App. No.: 10/578,171 Docket: MTT/101/R/US Date: 12-9-2009  
Title/Mark: Artificial Tissue Systems and Uses Thereof  
Applicant: Ulrike W. Klueh et al.

TO: The Honorable Commissioner of Patents and Trademarks

Please acknowledge receipt of the items checked below by stamping hereon the filing date (and application number, if applicable).

<input type="checkbox"/> New Patent Application:	<input type="checkbox"/> Utility	<input type="checkbox"/> Design	<input type="checkbox"/> Provisional	<input type="checkbox"/> PCT	<input type="checkbox"/> DIV
<input type="checkbox"/> Declaration and Power of Attorney	<input type="checkbox"/> Unsigned	<input type="checkbox"/> Missing Parts of Application:			
		<input type="checkbox"/> Missing Parts Fee: _____			
<input type="checkbox"/> _____ Pages of Specification Include	<input type="checkbox"/> Independent and		<input type="checkbox"/> Dependant Claims		
<input type="checkbox"/> _____ Drawing Sheets; Figs. _____	<input type="checkbox"/> Formal		<input type="checkbox"/> Informal		
<input type="checkbox"/> Response to Office Action	<input type="checkbox"/> Filing Fee _____				
<input type="checkbox"/> Copy of International Application	<input type="checkbox"/> Assignment w/\$ _____ Fee				
<input type="checkbox"/> Translation of International Application	<input type="checkbox"/> Preliminary Amendment				
<input type="checkbox"/> Claim of Priority and Certified Copy	<input checked="" type="checkbox"/> Amendment w/\$ <u>405 RCE</u> Fee				
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Publication Fee	<input type="checkbox"/> Ext. of Time Req. w/\$ _____ Fee			
<input type="checkbox"/> Issue Fee \$ _____	<input type="checkbox"/> Publication Fee	<input type="checkbox"/> Int'l. Search Report			<input type="checkbox"/> Refs.
<input type="checkbox"/> Application to Register Mark	<input type="checkbox"/> Drawing	<input type="checkbox"/> Fee: _____	<input type="checkbox"/> Statement of Use		
<input type="checkbox"/> Amendment to Application to Register Mark	Specimens		<input type="checkbox"/> Affidavit Under \$ _____		
<input type="checkbox"/> Express Mail - Label No. _____					
<input checked="" type="checkbox"/> <u>RCE Transmittal</u>					
<input type="checkbox"/>					
<input type="checkbox"/>					

Alix, Yale & Ristas, LLP  
750 Main Street, Suite 1400  
Hartford, CT 06103-2721



DEC 21 2009

Alix, Yale & Ristas, LLP  
750 Main Street, Suite 1400  
Hartford, CT 06103-2721

DFC



<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER <b>MTT/101/PC/US</b> U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
INTERNATIONAL APPLICATION NO. <b>PCI/US2004/037302</b>	INTERNATIONAL FILING DATE <b>November 5, 2004</b>	PRIORITY DATE CLAIMED <b>November 7, 2003</b>
TITLE OF INVENTION <b>Artificial Tissue Systems and Uses Thereof</b>		
APPLICANT(S) FOR DO/EO/US <b>Ulrike W. KLUEH, David I. DORSKY and Donald L. KREUTZER</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input checked="" type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input checked="" type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
Items 11 to 20 below concern document(s) or information included:		
11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. <b>PCT/US2004/037302</b>		ATTORNEY'S DOCKET NUMBER <b>MTT/101/PC/US</b>	
20. Other items or information:					
The following fees have been submitted				CALCULATIONS PTO USE ONLY	
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300				\$ 300	
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))					
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0				\$	
All other situations.....\$200				200	
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b))					
If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0				\$	
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....\$100				100	
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400					
All other situations.....\$500					
TOTAL OF 21, 22 and 23 =				600	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$	
CLAIMS *	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	30 - 20 =	10	x \$ 50	\$ 500	
Independent claims	7 - 3 =	4	x \$200	\$ 800	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$ 0	
TOTAL OF ABOVE CALCULATIONS =				\$ 1,900	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/3.					
SUBTOTAL =				\$ 950	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
				0	
TOTAL NATIONAL FEE =				\$ 950	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
				40	
TOTAL FEES ENCLOSED =				\$ 990	
				Amount to be refunded:	\$
				Amount to be charged	\$

\* Calculated after Preliminary Amendment

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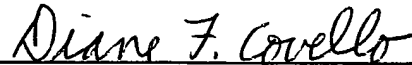
- a. ☒ A check in the amount of \$ 990 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 16-2563. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Diane F. Covello  
Alix, Yale & Ristas, LLP  
750 Main Street  
Suite 1400  
Hartford, CT 06103-2721

May 4, 2006



SIGNATURE

Diane F. Covello

NAME

34,164

REGISTRATION NUMBER





## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/578,171	Ulrike W. Klueh	MTT/101/PC/US

2543  
 ALIX YALE & RISTAS LLP  
 750 MAIN STREET  
 SUITE 1400  
 HARTFORD, CT 06103

INTERNATIONAL APPLICATION NO.

PCT/US04/37302

I.A. FILING DATE

11/05/2004

PRIORITY DATE

11/07/2003

CONFIRMATION NO. 4607

371 ACCEPTANCE LETTER



\*OC000000021780042\*

Date Mailed: 12/29/2006

**NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495**

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

05/04/2006

DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and  
 (c)(4) REQUIREMENTS

05/04/2006

DATE OF COMPLETION OF ALL 35 U.S.C. 371  
 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Indication of Small Entity Status
- Copy of the International Application filed on 05/04/2006
- Copy of the International Search Report filed on 05/04/2006
- Preliminary Amendments filed on 05/04/2006
- Information Disclosure Statements filed on 08/29/2006
- Oath or Declaration filed on 05/04/2006
- Request for Immediate Examination filed on 05/04/2006
- U.S. Basic National Fees filed on 05/04/2006
- Assignment filed on 05/04/2006
- Priority Documents filed on 05/04/2006

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Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

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JOHN L ANDERSON

Telephone: (703) 308-9140 EXT 211

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)